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EXAMINER				
LEE, Y YOUNG				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MADHUKAR BUDAGAVI

Appeal 2009-010178
Application 09/896,386
Technology Center 2400

Before ROBERT E. NAPPI, MARC S. HOFF and BRADLEY W.
BAUMEISTER, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1 through 3 and 5. Dependent claim 4 has been objected to, and the Examiner has identified that it contains allowable subject matter.

We affirm.

INVENTION

The invention is directed to a video encoding system. *See* pages 1 and 2 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

1. A method for motion compensation video, comprising:
 - (a) assessing parameters of a packetized transmission channel;
 - (b) assessing sizes of intra-coded frames and predictively-coded frames for an input video;
 - (c) setting the rate of intra-coded frames and the rate of predictively-coded frames by maximizing a probability of correct frame reconstruction using the results of steps (a) and (b), wherein said probability of correct frame reconstruction includes a rate of repeated transmission of predictively-coded frames.

REFERENCES

Rhee	US 6,421,387 B1	Jul. 16, 2002
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REJECTION AT ISSUE

The Examiner has rejected claims 1 through 3 and 5 under 35 U.S.C. § 102(e) as being anticipated by Rhee. Answer 3.

ISSUE

Appellant's contentions on page 4 of the Appeal Brief¹ present us with the issue: did the Examiner err in finding that Rhee teaches adjusting the video coding?

ANALYSIS

We have reviewed the Examiners' anticipation rejection in light of Appellant's arguments that the Examiner has erred.

We disagree with Appellant's conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. We concur with the Examiner's conclusions.

Particularly, we do not find that Appellant's argument, on page 4 of the Brief, directed to Rhee not teaching adjusting the video coding, is commensurate in scope with claims 1 and 5. As noted by the Examiner, independent claims 1 and 5 do not recite adjusting the video coding. Answer 3.² Accordingly, we do not find error in the Examiner's anticipation rejection of claims 1 through 3 and 5.

¹ Throughout this decision we refer to the Appeal Brief dated July 16, 2007.

² Throughout this decision we refer to the Examiner's Answer mailed October 16, 2007.

DECISION

The Examiner's rejection of claim claims 1 through 3 and 5 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD